United Nations S/2012/520

Security Council

Distr.: General
5 July 2012

Original: English

Note verbale dated 2 July 2012 from the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

The Permanent Mission of Iraq to the United Nations presents its compliments to the Office of the Secretary-General of the United Nations and has the honour to attach herewith a letter dated 28 June 2012 from Hoshyar Zebari, Minister for Foreign Affairs of Iraq, addressed to the Secretary-General, regarding the extension of the mandate of the United Nations Assistance Mission for Iraq (see annex).

The Permanent Mission of Iraq would be deeply appreciative if the present note verbale and its annex were circulated as a document of the Security Council.

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Annex to the note verbale dated 2 July 2012 from the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

[Original: Arabic]

I have the honour to convey to you the wish of the Government of Iraq that the mandate of the United Nations Assistance Mission for Iraq (UNAMI) should be extended for a further period of 12 months, in accordance with the relevant Security Council resolutions, the latest of which is resolution 1936 (2010).

I should like to inform you of the successes that have been achieved by the national partnership Government in building a democratic, pluralistic system. Iraq has been successful in establishing foreign relations and has successfully convened a number of important international conferences, including the Baghdad Arab Summit and the important meeting of the 5+1 Group, and other, regional meetings.

In accordance with the agreement concluded between Iraq and the United States, the full withdrawal of United States troops has been completed in a smooth and civilized manner, and Iraqi security forces have assumed full responsibility for protecting the security of the population and the territorial integrity of Iraq, and is doing so in an exemplary manner.

Further significant achievements of the national partnership Government include the conclusion of numerous international agreements, including the Strategic Framework Agreement concluded with the United States of America, the partnership and cooperation agreement with the European Union, and numerous other important agreements with the States of the world that are intended to advance Iraq's relations with those States.

The events and developments of the Arab Spring have confirmed the credibility of the Iraqi approach to the building of a democratic State and the protection of human rights and the population. We are making progress in establishing that approach, which will serve our population. Against that background, Iraq will require the support of UNAMI. We are happy to inform you that the Government of Iraq has approved the extension of the Mission's mandate in accordance with the specific mechanisms approved by my Government, in the manner referred to in my letter dated 6 August 2007, and in accordance with the letter and spirit of the conditions set out in Security Council resolution 1770 (2007). I should like to take this opportunity to commend the constructive work and endeavours undertaken by UNAMI throughout the period in which it has operated in Iraq and the genuine assistance it has provided to the people of Iraq.

(*Signed*) Hoshyar **Zebari**
Minister for Foreign Affairs
Republic of Iraq

United Nations S/2012/521

Security Council

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6 July 2012

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Letter dated 5 July 2012 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 2049 (2012), by which the Council decided to extend until 9 July 2013 the mandate of the Panel of Experts established pursuant to paragraph 29 of resolution 1929 (2010).

I wish to inform you that, after consulting the Committee, I have reappointed the following experts to carry out the tasks as specified in paragraph 29 of resolution 1929 (2010) and paragraphs 2 and 3 of resolution 2049 (2012):

Mr. Jonathan Brewer, United Kingdom of Great Britain and Northern Ireland (finance and private sector);

Mr. Kenichiro Matsubayashi, Japan (marine transport and immigration issues);

Mr. Thomas Mazet, Germany (customs enforcement, export control and transport);

Ms. Jacqueline W. Shire, United States of America (nuclear issues);

Ms. Elena G. Vodopolova, Russian Federation (missile technology);

Mr. Olaschinde Ishola Williams, Nigeria (conventional arms and related materiel and the financing of illicit arms transfers);

Mr. Wenlei Xu, China (export control);

Ms. Salomé Zourabichvili, France (non-proliferation/nuclear and conventional disarmament).

I have designated Ms. Zourabichvili to serve as Coordinator of the Panel of Experts.

I should be grateful if you could bring this information to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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United Nations A/66/865–S/2012/522

General Assembly
Security Council

Distr.: General
6 July 2012

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General Assembly
Sixty-sixth session
Agenda item 34
Prevention of armed conflict

Security Council
Sixty-seventh year

Identical letters dated 5 July 2012 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

I have the honour to attach herewith the final communiqué of the Action Group for Syria, convened in Geneva on 30 June 2012 by the Joint Special Envoy of the United Nations and the League of Arab States to Syria (see annex).

(*Signed*) **BAN** Ki-moon

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Annex

Final communiqué of the Action Group for Syria

30 June 2012

1. On 30 June 2012, the Secretaries-General of the United Nations and the League of Arab States, the Ministers for Foreign Affairs of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Turkey, Iraq (Chair of the Summit of the League of Arab States), Kuwait (Chair of the Council of Foreign Ministers of the League of Arab States) and Qatar (Chair of the Arab Follow-up Committee on Syria of the League of Arab States) and the High Representative of the European Union for Foreign Affairs and Security Policy met at the United Nations Office at Geneva as the Action Group for Syria, chaired by the Joint Special Envoy of the United Nations and the League of Arab States to Syria.

2. The members of the Action Group came together out of grave alarm at the situation in the Syrian Arab Republic. They strongly condemn the continued and escalating killing, destruction and human rights abuses. They are deeply concerned at the failure to protect civilians, the intensification of the violence, the potential for even deeper conflict in the country and the regional dimensions of the problem. The unacceptable nature and magnitude of the crisis demands a common position and joint international action.

3. The members of the Action Group are committed to the sovereignty, independence, national unity and territorial integrity of the Syrian Arab Republic. They are determined to work urgently and intensively to bring about an end to the violence and human rights abuses, and to facilitate the launch of a Syrian-led political process leading to a transition that meets the legitimate aspirations of the Syrian people and enables them independently and democratically to determine their own future.

4. In order to secure these common objectives, the members of the Action Group (a) identified steps and measures by the parties to secure the full implementation of the six-point plan and Security Council resolutions 2042 (2012) and 2043 (2012), including an immediate cessation of violence in all its forms; (b) agreed on principles and guidelines for a political transition that meets the legitimate aspirations of the Syrian people; and (c) agreed on actions that they would take to implement the objectives in support of the Joint Special Envoy's efforts to facilitate a Syrian-led political process. They are convinced that this can encourage and support progress on the ground and will help to facilitate and support a Syrian-led transition.

Identified steps and measures by the parties to secure the full implementation of the six-point plan and Security Council resolutions 2042 (2012) and 2043 (2012), including an immediate cessation of violence in all its forms

5. The parties must fully implement the six-point plan and Security Council resolutions 2042 (2012) and 2043 (2012). To that end:

(a) All parties must recommit to a sustained cessation of armed violence in all its forms and to the implementation of the six-point plan immediately and without waiting for the actions of others. The Government and armed opposition

groups must cooperate with the United Nations Supervision Mission in the Syrian Arab Republic (UNSMIS), with a view to furthering the implementation of the plan in accordance with the Mission's mandate;

(b) A cessation of armed violence must be sustained, with immediate, credible and visible actions by the Government of the Syrian Arab Republic to implement the other items of the six-point plan, including:

(i) Intensification of the pace and scale of release of arbitrarily detained persons, including especially vulnerable categories of persons, and persons involved in peaceful political activities; the provision, without delay and through appropriate channels, of a list of all places in which such persons are being detained; the immediate organization of access to such locations; and the provision, through appropriate channels, of prompt responses to all written requests for information, access or release regarding such persons;

(ii) Ensuring freedom of movement throughout the country for journalists and a non-discriminatory visa policy for them;

(iii) Respecting freedom of association and the right to demonstrate peacefully, as legally guaranteed;

(c) In all circumstances, all parties must show full respect for the safety and security of UNSMIS and fully cooperate with and facilitate the Mission in all respects;

(d) In all circumstances, the Government must allow immediate and full humanitarian access by humanitarian organizations to all areas affected by the fighting. The Government and all parties must enable the evacuation of the wounded, and all civilians who wish to leave must be enabled to do so. All parties must fully adhere to their obligations under international law, including in relation to the protection of civilians.

Agreed principles and guidelines for a Syrian-led transition

6. The members of the Action Group agreed on the principles and guidelines for a Syrian-led transition set out below.

7. Any political settlement must deliver to the people of the Syrian Arab Republic a transition that:

(a) Offers a perspective for the future that can be shared by all in the Syrian Arab Republic;

(b) Establishes clear steps according to a firm timetable towards the realization of that perspective;

(c) Can be implemented in a climate of safety for all and of stability and calm;

(d) Is reached rapidly without further bloodshed and violence and is credible.

8. **Perspective for the future**. The aspirations of the people of the Syrian Arab Republic have been clearly expressed by the wide range of Syrians consulted. There is an overwhelming wish for a State that:

(a) Is genuinely democratic and pluralistic, giving space to established and newly emerging political actors to compete fairly and equally in elections. This also means that the commitment to multiparty democracy must be a lasting one, going beyond an initial round of elections;

(b) Complies with international standards on human rights, the independence of the judiciary, accountability of those in Government and the rule of law. It is not enough just to enunciate such a commitment. There must be mechanisms available to the people to ensure that these commitments are kept by those in authority;

(c) Offers equal opportunities and chances for all. There is no room for sectarianism or discrimination on ethnic, religious, linguistic or any other grounds. Numerically smaller communities must be assured that their rights will be respected.

9. **Clear steps in the transition**. The conflict in the Syrian Arab Republic will end only when all sides are assured that there is a peaceful way towards a common future for all in the country. It is therefore essential that any settlement provide for clear and irreversible steps in the transition according to a fixed time frame. The key steps in any transition include:

(a) The establishment of a transitional governing body that can establish a neutral environment in which the transition can take place, with the transitional governing body exercising full executive powers. It could include members of the present Government and the opposition and other groups and shall be formed on the basis of mutual consent;

(b) It is for the Syrian people to determine the future of the country. All groups and segments of society in the Syrian Arab Republic must be enabled to participate in a national dialogue process. That process must be not only inclusive but also meaningful. In other words, its key outcomes must be implemented;

(c) On that basis, there can be a review of the constitutional order and the legal system. The result of constitutional drafting would be subject to popular approval;

(d) Upon establishment of the new constitutional order, it will be necessary to prepare for and conduct free and fair multiparty elections for the new institutions and offices that have been established;

(e) Women must be fully represented in all aspects of the transition.

10. **Safety, stability and calm**. Any transition involves change. However, it is essential to ensure that the transition can be implemented in a way that ensures the safety of all in an atmosphere of stability and calm. This requires:

(a) Consolidation of full calm and stability. All parties must cooperate with the transitional governing body to ensure the permanent cessation of violence. This includes completion of withdrawals and addressing the issue of the disarmament, demobilization and reintegration of armed groups;

(b) Effective steps to ensure that vulnerable groups are protected and that immediate action is taken to address humanitarian issues in areas of need. It is also necessary to ensure that the release of the detained is completed rapidly;

(c) Continuity of governmental institutions and qualified staff. Public services must be preserved or restored. This includes the military forces and security

services. However, all governmental institutions, including the intelligence services, have to perform according to human rights and professional standards and operate under a leadership that inspires public confidence, under the control of the transitional governing body;

(d) Commitment to accountability and national reconciliation. Accountability for acts committed during the present conflict must be addressed. There also needs to be a comprehensive package for transitional justice, including compensation or rehabilitation for victims of the present conflict, steps towards national reconciliation and forgiveness.

11. **Rapid steps to come to a credible political agreement**. It is for the people of the Syrian Arab Republic to come to a political agreement, but time is running out. It is clear that:

(a) The sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic must be respected;

(b) The conflict must be resolved through peaceful dialogue and negotiation alone. Conditions conducive to a political settlement must now be put in place;

(c) There must be an end to the bloodshed. All parties must recommit themselves credibly to the six-point plan. This must include a cessation of armed violence in all its forms and immediate, credible and visible actions to implement points 2 to 6 of the six-point plan;

(d) All parties must now engage genuinely with the Joint Special Envoy. The parties must be prepared to put forward effective interlocutors to work expeditiously towards a Syrian-led settlement that meets the legitimate aspirations of the people. The process must be fully inclusive in order to ensure that the views of all segments of Syrian society are heard in shaping the political settlement for the transition;

(e) The organized international community, including the members of the Action Group, stands ready to offer significant support for the implementation of an agreement reached by the parties. This may include an international assistance presence under a United Nations mandate if requested. Significant funds will be available to support reconstruction and rehabilitation.

Agreed actions

12. Agreed actions that the members of the Group will take to implement the above in support of the Joint Special Envoy's efforts to facilitate a Syrian-led political process are as follows:

(a) Action Group members will engage as appropriate, and apply joint and sustained pressure on, the parties in the Syrian Arab Republic to take the steps and measures outlined in paragraph 5 above;

(b) Action Group members are opposed to any further militarization of the conflict;

(c) Action Group members emphasize to the Government of the Syrian Arab Republic the importance of the appointment of an effective empowered interlocutor, when requested by the Joint Special Envoy to do so, to work on the basis of the six-point plan and the present communiqué;

(d) Action Group members urge the opposition to increase cohesion and to be in a position to ensure effective representative interlocutors to work on the basis of the six-point plan and the present communiqué;

(e) Action Group members will give full support to the Joint Special Envoy and his team as they immediately engage the Government and the opposition, and will consult widely with Syrian society, as well as other international actors, to further develop the way forward;

(f) Action Group members would welcome the further convening by the Joint Special Envoy of a meeting of the Action Group, should he deem it necessary to review the concrete progress taken on all points agreed in the present communiqué and to determine what further and additional steps and actions are needed from the Action Group to address the crisis. The Joint Special Envoy will also keep the United Nations and the League of Arab States informed.

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Security Council

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6 July 2012

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Report of the Secretary-General on the implementation of Security Council resolution 2043 (2012)

I. Introduction

1. On 21 April 2012, the Security Council adopted resolution 2043 (2012), by which it established the United Nations Supervision Mission in the Syrian Arab Republic (UNSMIS) for an initial period of 90 days with a mandate to monitor the cessation of armed violence in all its forms by all parties, and to monitor and support the full implementation of the six-point plan endorsed by the Council in its resolution 2042 (2012). The present report provides a comprehensive account of the implementation of resolution 2043 (2012), including the six-point plan.

2. The crisis in the Syrian Arab Republic is the consequence of a combination of factors, including that the State has failed to respond to the legitimate political, economic and social demands of its people, as well as its position in a complex region. The response of the security apparatus to what started as peaceful demonstrations led to armed clashes. In recent months, the crisis has become increasingly violent and militarized. The State's campaign of violently suppressing dissent, which from the outset employed excessive and lethal force against peaceful demonstrators, was followed by defections and the formation of anti-Government armed groups.

3. In parallel, the President of the Syrian Arab Republic announced a series of actions in pursuit of a programme aimed at political and governance reforms. A popular referendum endorsing a new national constitution was held on 26 February, followed by parliamentary elections on 7 May and the appointment of a new Government on 23 June. These initiatives, which were taken unilaterally and took place amid continuing violence throughout the country, failed to meet the demands of the opposition.

4. The political opposition has been formed in the country and in exile. The Syrian National Council, comprising a diverse set of members, is recognized by many as a legitimate representative of the Syrian people. However, other opposition groups exist inside and outside the country that cannot be ignored. The Syrian National Council has rejected any political dialogue with the Government under the current conditions. Many of the anti-Government armed groups, comprising army defectors and an increasing number of armed civilians, identify themselves as the Free Syrian Army (FSA) — whose leadership resides abroad — but operate relatively independently on the ground. Most FSA groups initially adopted a

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defensive posture, but then turned to offensive operations against Government forces and facilities and against critical national infrastructure. During the reporting period, the situation became more complex and deadly with a series of bombings, some of which were indicative of the presence of a third actor.

5. With the upturn in violence, and at the request of the General Assembly, as contained in its resolution 66/253 of 16 February 2012, the Secretary-General of the League of Arab States and I jointly named former Secretary-General of the United Nations Kofi Annan as Joint Special Envoy of the United Nations and the League of Arab States to Syria on 23 February.

6. On 10 March 2012, Joint Special Envoy Annan presented the Syrian President with a six-point proposal, which called for a commitment to a political process and the cessation of armed violence in all its forms by all parties, with the Government to immediately end the use of heavy weapons in population centres and to begin a pull-back of military concentrations in and around those centres. The plan also includes a range of other steps to be taken by the Syrian Government to alleviate the crisis, including humanitarian access, access to and the release of detainees, access and freedom of movement for journalists, and freedom of association and the right to demonstrate peacefully.

7. On 25 March, the Government of the Syrian Arab Republic expressed its commitment to the six-point proposal, as confirmed by the Joint Special Envoy on 27 March. The Joint Special Envoy also sought similar commitments from the opposition. Despite intense levels of violence in late March and early April, for the first time in over one year, a cessation of violence was declared and went into effect across the country on 12 April. On the basis of the commitments of the parties and the reduction in hostilities by both sides, I proposed the establishment of UNSMIS in my letter to the President of the Security Council of 19 April (S/2012/238).

8. The arrival of an advance team on 16 April, followed by UNSMIS, took place during a marked reduction in violence across the country. However, by the third week of May a return to unrestrained hostilities was seen, to the extent that by 15 June UNSMIS had decided to temporarily suspend activities. The Government and the opposition were informed that, absent respect for the cessation of violence, UNSMIS would not be able to resume normal operations.

II. Implementation of the six-point plan and Mission activities in support of the plan

9. As the Joint Special Envoy told the General Assembly and the Security Council on 7 June, the six-point plan has not been implemented. As described below, and in spite of the best efforts of UNSMIS to support the parties in the effort to de-escalate the crisis, there has not been a cessation of violence and the basic human rights whose protection is at the core of the plan continue to be violated. People continue to be arbitrarily detained, hundreds of thousands of people in need of emergency assistance cannot be reached by aid agencies, and there is no freedom of assembly. During the reporting period, these conditions did not create a political space that would allow for meaningful political dialogue.

A. Cessation of violence

10. From 16 April until early May, hostilities were characterized by low-intensity fighting and a general reduction in violence. The cessation of violence established under the six-point plan and the presence of UNSMIS seemed to have a dampening effect in the areas where observers were deployed. Syrian forces began but did not complete the withdrawal of heavy weapons and troops from population centres; otherwise, both sides responded to the Mission's initial notifications of violations. The military observers and civilian personnel were also active in defusing tensions between the sides. Nonetheless, UNSMIS noted operations by the Syrian Arab Armed Forces against the opposition, including occasional shelling, and opposition attacks against Government convoys, checkpoints and police stations. UNSMIS observers also reported hearing small-arms fire and explosions daily in all their locations. During this period, UNSMIS observers enjoyed relatively unimpeded access to sites of interest and were not subject to targeted incidents.

11. An increase in the number, size and sophistication of bombings marked a significant deterioration in the situation on the ground. Two suicide bomb attacks, of at least 1,000 kg of explosives each, targeted Government facilities in Damascus on 10 May. The following day in Aleppo, one bomb exploded in a market area, and security forces detained a truck carrying a 1,500 kg explosive device before it could detonate. While the bombings targeted primarily Government security installations, critical infrastructure was also attacked. The nature, scale and techniques used in these attacks suggest a link to well-organized terrorist groups. During the same period, UNSMIS observed intermittent fighting between Government and opposition forces, increasing tension in cities and an increase in the number of heavy weapons, including tanks, deployed by Government forces in or near population centres. UNSMIS also received reports of attacks by armed opposition groups against Government forces, installations and checkpoints. The Mission was affected directly and indirectly, as patrols came under fire in Al-Qusayr, Deir-ez-Zor and Khan Sheikhoun, with the latter incident also involving an improvised explosive device, incapacitating its patrol vehicles.

12. From late May, conditions deteriorated with the rise of coordinated Government forces' assaults as part of an offensive on population centres, using both infantry and heavy weapons, in an apparent campaign to clear territories of opposition and armed opposition groups. The operations focused on Homs and the surrounding areas (Ar Rastan, Talbisa and Al-Qusayr), the area around Al-Houla, Ariha, Kafr Zita and Mourek (between Hama and Idlib) and villages north-west and south of Aleppo. Armed clashes between opposition and Government forces in population centres, and the Syrian Arab Armed Forces' use of tanks and artillery, caused heavy civilian casualties. In tandem, both sides imposed increasing impediments on the Mission's visits to scenes of fighting in population centres, including by direct fire and targeted bomb attacks on or close to UNSMIS patrols.

13. On 25 May, the town of Al-Houla, Homs Governorate, was subjected to an attack, initially by shelling. The following day, UNSMIS observers saw a total of 100 bodies, including those of 41 children and 9 women, in several locations, including three mosques and a house. Some of the bodies bore wounds that appeared to be consistent with heavy artillery fire; others appeared to have received gunshot wounds or suffered serious head injuries. In one house, UNSMIS observers saw the bodies of eight people, including six children and one woman, the latter with a

gunshot wound to the head. UNSMIS personnel identified both recent and potentially older impact marks on village buildings from direct and indirect artillery, mortar and tank fire, along with pieces of shrapnel from those shells, including 23 mm ZU-23 anti-aircraft cannons and rounds from a 122 mm howitzer. On 27 May, the Security Council issued a press statement condemning the killings in the strongest possible terms. In addition, the Independent International Commission of Inquiry on the Syrian Arab Republic conducted a special inquiry into the events in Al-Houla and reported its findings in an oral update issued on 26 June.

14. As the Government offensive continued, UNSMIS observed a pattern in the assaults. Intermittent artillery shelling and mortar fire was followed by limited deployments of mechanized infantry and tanks into town centres, followed by the arrest or detention of suspected opposition supporters. The offensive was accompanied by a rise in planned and coordinated attacks by armed opposition groups against Government security forces. UNSMIS marked an increase in the tempo and a shift in the tactics of armed opposition operations, also targeting Government and civilian infrastructure using small arms, improvised explosive devices and rocket-propelled grenades.

15. From 8 June, coinciding with the Free Syrian Army's withdrawing its commitment to the six-point plan, citing a lack of progress in its implementation, UNSMIS noted the intensification of armed conflict. It appeared that the armed opposition and at least some elements of the political opposition, as well as the Government, had determined to pursue a military strategy. In this context, UNSMIS first observed the use of helicopter gunships and unmanned aerial vehicles by Government forces, as part of combined air, armour, artillery and infantry operations against opposition strongholds in several urban centres. The opposition escalated and intensified its attacks on Government checkpoints and positions in proximity to opposition locations, the bombing of critical infrastructure and assassinations of Government officials and senior officers.

16. As at 15 June, UNSMIS judged that the parties' lack of compliance with commitments under the six-point plan and the accumulation of obstacles to mandate implementation functions — due to the level of violence, monitoring access restrictions and direct targeting — had rendered operational activities unworkable. The Mission therefore suspended its normal activities. Subsequent observation by UNSMIS of the ongoing hostilities have reflected military observers' limited vantage points from team site locations. Conditions have not been conducive since that date to a resumption of normal UNSMIS functions, but are reviewed on a daily basis; interaction with relevant local actors is conducted as allowed by the security environment. Within those criteria, the Mission had instituted, as at 26 June, visits to medical and educational facilities in conflict-affected areas, to monitor their status and civilian access.

17. Since 16 April, the Government of the Syrian Arab Republic has addressed 57 letters to the President of the Security Council and to me, transmitting allegations of violations of the cessation of violence by armed opposition groups. These letters contain detailed lists of several thousand incidents and victims, the nature of attacks and the alleged perpetrators, and Government properties targeted. In parallel, Syrian opposition groups and local and international human rights organizations continue to provide the Office of the Joint United Nations-League of Arab States Special Envoy to Syria with detailed and documented reports of allegations of violations of

the cessation of violence by the Government and Government-backed militias, as well as human rights violations allegedly carried out by the Government. They include the names of thousands of victims of violence and human rights abuses.

B. Humanitarian assistance

18. Owing to the intensified fighting, the humanitarian situation has continued to deteriorate. Humanitarian organizations estimate that there are now up to 1.5 million people in need of humanitarian assistance inside the Syrian Arab Republic. As at 28 June, the United Nations High Commissioner for Refugees reported over 96,000 assisted refugees in Iraq, Jordan, Lebanon and Turkey, representing almost a threefold increase since April.

19. Civilians inside the Syrian Arab Republic continue to bear the brunt of the armed conflict. The number of people killed or injured is rising rapidly, as well as the number of those displaced within and outside the country. While the United Nations is unable to verify the number of casualties, the Government of Syria has reported more than 7,000 Syrian citizens killed, including military personnel, while non-governmental organizations report that between 13,000 and 17,000 have been killed since the beginning of the crisis. Residents in the cities most affected by the fighting are suffering from water and food shortages and are often unable to gain access to medical care. There are also reports that schools have been regularly raided and used as military bases and detention centres. Hospitals and health facilities have also been raided and shelled.

20. United Nations agencies managed to reach significantly more people in June than in previous months. In coordination with the Syrian Arab Red Crescent, the World Food Programme managed to distribute assistance to up to 500,000 people in June. Non-food items were provided to 80,000 people during the same period. A significant response is also ongoing in the health sector. However, these efforts remain insufficient to meet the growing needs.

21. The escalation of violence since mid-May has had a negative impact on the delivery of essential services and assistance to civilians. Efforts to address humanitarian needs were hampered by continued violence and fighting, which prevented access to the areas most affected, such as Homs and Deir-ez-Zor, and delayed the establishment of United Nations field presences. Cumbersome conditions and processes for partnering with local and international non-governmental organizations, and difficulties in importing much-needed equipment, constitute additional impediments to a more effective humanitarian response.

22. Daily shelling of Homs has continued since 25 May. The evacuation of civilians has not yet been possible. Both the Government and armed opposition groups agreed to an UNSMIS-facilitated ceasefire, but were not able to implement it according to agreed timelines. Access to medical assistance is restricted by the ongoing fighting and by the Syrian authorities' closure of, or reinforced presence in and around, medical centres. As at 16 June, one hospital in Homs city was operational, but partially occupied by Syrian Arab Armed Forces soldiers. According to local citizens, fear of detention is a barrier to seeking medical care.

23. In Deir-ez-Zor Governorate, the Syrian Arab Red Crescent has not been able to gain access to several areas of Deir-ez-Zor city, owing to security conditions, since 26 June. A hospital in an opposition-controlled area has been closed since 15 June. UNSMIS negotiations with the Governor have not yet succeeded in its reopening.

C. Detention

24. Thousands of Syrians continue to be detained in a network of Government-run facilities of various kinds. This reportedly includes not only persons engaged in armed fighting but also human rights defenders and activists, as well as vulnerable persons. Among those arrested are figures known for advocating non-violence.

25. Under the six-point plan, the Government of the Syrian Arab Republic has an obligation to provide full access to all persons arbitrarily detained and to intensify the pace and scale of their release. Progress in this area has not been significant in the broader context of the status and circumstances of thousands of detainees across the country, which remains unclear. There continue to be worrying reports of significant abuses (including torture under detention) and wide-scale arrests and detentions.

26. UNSMIS observed the release of 183 detainees in Damascus and Deraa on 31 May, and the release of 285 detainees in Damascus, Deraa, Hama, Idlib and Deir-ez-Zor on 14 June. On both dates, Government announcements indicated that 500 detainees had been released countrywide. UNSMIS requested lists of and details about the total of 1,000 detainees announced as having been released, but these were not provided. During UNSMIS interviews, 10 released detainees claimed that they had been arbitrarily detained and held incommunicado for periods of between 20 and 45 days by either military or police intelligence members, for alleged participation in demonstrations or for being members of armed groups.

27. Throughout the reporting period, UNSMIS received unconfirmed information regarding the arbitrary and incommunicado detention of hundreds of persons, including children, women and political activists. As at 25 June, UNSMIS had received and cross-checked information on 2,185 detainees and 97 places of detention countrywide. To date, the Mission has obtained access on one occasion to a detention centre, in Deraa.

28. On 11 June, UNSMIS submitted a written request to the Government for information about access to and the release of 102 arbitrarily detained persons in vulnerable categories. On 15 June, the Mission submitted a written request for access to detention facilities in Damascus, Aleppo and Hama. On 21 June, UNSMIS met with the Deputy Minister for Foreign Affairs and the Chief Legal Adviser to the President concerning those requests. The Mission has yet to receive a response. The authorities have also not yet responded to the Mission's proposal, submitted at the end of May, to establish a national working group on arbitrary detention.

29. Furthermore, UNSMIS received reports from members of the public as well as Government officials concerning persons who had been deprived of liberty by armed opposition groups. In most cases, these groups denied to UNSMIS that they had any persons in their custody. In several cases, opposition contacts confirmed to the Mission that such persons were in their custody. UNSMIS received reports from pro-Government individuals of demands for payment or ammunition in exchange for

the release of abductees held by armed opposition groups. One reliable source, although not able to verify the claim, informed UNSMIS that persons deprived of liberty by armed groups were frequently subjected to a quick "trial", followed by arbitrary execution.

D. Freedom of movement of journalists

30. UNSMIS was not able to monitor or report systematically on compliance with the provision of the six-point plan regarding journalists' freedom of movement, relying primarily on information reported through regular contact with media representatives in the Syrian Arab Republic.

31. The Syrian authorities accelerated the issuance of entry visas to journalists after 25 March. The Joint Special Envoy periodically received letters from the Deputy Prime Minister and Minister for Foreign Affairs and Expatriates of the Syrian Arab Republic informing him about the number of international journalists and media organizations, including from other Arab countries, who had been given entry visas. The most recent such letter was received on 14 June 2012 and covers the period from 25 March until 13 June, stating that "207 foreign and Arab media outlets" had been issued visas.

32. The Mission continued to receive reports from several international media outlets that visas had not been issued to their journalists for several months. Press identity cards, one means of safeguarding press security and facilitating access through checkpoints, were not issued. Journalists travelling outside Damascus often accompanied UNSMIS patrols.

33. UNSMIS received in-person reports from Syrian journalists who said that they had been detained by Government forces or physically attacked by anti-Government crowds. The Mission was also informed that journalists attached to official Syrian media channels did not venture into opposition-controlled areas out of concern for their safety. In addition, foreign journalists working in Syria reported to UNSMIS that they had been subjected to harassment by anti-Government crowds.

34. In a letter dated 27 June, the Deputy Prime Minister and Minister for Foreign Affairs and Expatriates informed the Joint Special Envoy that "armed terrorist groups" had attacked the headquarters of the Syrian news channel Al-Ikhbariya in Damascus, destroying the station and killing three journalists and four security guards. The Al-Nusra Front, a terrorist group, claimed responsibility for the attack on its website on 2 July.

E. Respect for freedom of assembly and peaceful protest

35. Under the six-point plan, the Syrian Government committed to respect freedom of association and the right to demonstrate peacefully as legally guaranteed. As noted in my letter of 25 May to the President of the Security Council (S/2012/363), the broad context of intimidation and human rights violations does not constitute an environment in which citizens can express their opinions and demonstrate freely.

36. In spite of the risks of violence, public demonstrations have been a key feature of opposition activity prior to and throughout the deployment of UNSMIS. Both

Government and opposition sources have reported that protests have continued to take place throughout the country, albeit on a smaller scale and for shorter periods than had been reported during the early stages of the uprising. Marches and other forms of demonstrations have been occurring in a range of major urban centres, as well as in smaller villages and towns, including, in some instances, in response to the arrival of UNSMIS personnel. Aleppo University remained the site of most large student-led demonstrations. Pro-Government demonstrations also took place in a range of locations, including in response to major incidents such as the suicide bombings in Damascus on 10 May and the elections of 7 May.

37. Owing to the often unplanned nature of such demonstrations, particularly in opposition areas, and the risks posed to UNSMIS personnel moving in proximity to what are often uncontrolled groups of protesters, UNSMIS was not in a position to systematically monitor and report on such events. Therefore, observation of compliance with the provisions of the six-point plan relating to freedom of assembly and peaceful protest relied primarily on reports from all sides, with on-site verification provided where possible.

38. UNSMIS received numerous reports of Government and security actors using excessive force, including live ammunition and lethal force, to disperse peaceful demonstrations in various parts of the country. A number of local government officials claimed to UNSMIS that they asked police to arrest anti-Government demonstrators. Pro-Government demonstrations that the Mission observed on an ad hoc basis did not appear to be subject to comparable restrictions.

39. UNSMIS personnel and vehicles also suffered a number of violent incidents when in the vicinity of demonstrations carried out by supporters of both sides. These ranged from the painting of slogans and graffiti on patrol vehicles to significant physical damage caused to vehicles by rocks, bullets and other projectiles. Prior to the suspension of patrolling on 15 June, such incidents made it increasingly difficult to actively monitor compliance with point 6 of the six-point plan.

III. Political track

40. Since his appointment, the Joint Special Envoy and his deputies have developed and maintained regular contacts with the Government of the Syrian Arab Republic and a wide range of leaders and members of the Syrian opposition, in order to identify common ground for engagement towards a political solution of the crisis. The work of UNSMIS has been crucial in establishing facts and providing an objective basis for international assessments and policies, which has been critical in the efforts of the Joint Special Envoy to achieve international consensus regarding the nature of the crisis and the requirements for a solution. The Mission has also been in a position to engage the parties on the ground in support of the Joint Special Envoy's efforts.

41. During consultations carried out by the Office of the Joint Special Envoy over the past few months, it became evident that many Syrians were of the view that no meaningful political process could be initiated so long as military operations continued, and thousands of people remained in detention and at risk of further abuse, torture or summary execution. At the same time, a sustained cessation of violence and progress on the implementation of the provisions of the other five points of the six-point plan could not be achieved without a credible political

perspective. It also became clear, as the six-point plan was not being implemented, that more joint and sustained pressure on the parties was needed, including consequences for non-compliance, and that a clearer path needed to be charted to effectively support a Syrian-led political transition. The Joint Special Envoy briefed the General Assembly and the Security Council to this effect on 7 June 2012.

42. In this context, the Joint Special Envoy and the team worked intensively to convene a group of organizations and countries who had influence with the parties in the Syrian Arab Republic to agree on a set of additional actions to address the crisis. To this end, on 30 June 2012 the Secretaries-General of the United Nations and the League of Arab States, the Ministers for Foreign Affairs of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Turkey, Iraq (Chair of the Summit of the League of Arab States), Kuwait (Chair of the Council of Foreign Ministers of the League of Arab States) and Qatar (Chair of the Arab Follow-up Committee on Syria of the League of Arab States) and the High Representative of the European Union for Foreign Affairs and Security Policy met at the United Nations Office at Geneva as the Action Group for Syria, chaired by the Joint Special Envoy of the United Nations and the League of Arab States to Syria.

43. The communiqué issued by the Action Group called on all parties to recommit to a sustained cessation of armed violence and the implementation of the six-point plan immediately and without waiting for the actions of others, and to cooperate with UNSMIS in this regard. The Action Group also called for the Government to provide access to and release detainees, to allow journalists to enter and move freely, and to respect the right to demonstrate peacefully. The Action Group stressed that full humanitarian access must be ensured.

44. The Action Group agreed on principles and guidelines for a Syrian-led transition. These stressed that it was for the people of Syria to come to a political solution, but that time was running out and rapid steps were needed in order to reach agreement for a transition. The Action Group stressed that the bloodshed must end and the parties must be prepared to put forward effective interlocutors to work with the Joint Special Envoy towards a Syrian-led settlement. The Action Group agreed that any political settlement should deliver to the people of the Syrian Arab Republic a perspective for the future that could be shared by all in the Syrian Arab Republic; that clear, irreversible steps in the transition were needed according to a fixed time frame; and that a transition must take place in a climate of safety for all, stability and calm. Among other elements, the Action Group agreed that the transition should include a transitional governing body that could establish a neutral environment in which the transition could take place, and which would exercise full executive powers. The transitional governing body could include members of the current Government and the opposition and other groups, and should be formed on the basis of mutual consent.

45. While reaffirming that it was for the Syrian people to determine the future of the country, the Action Group stressed the need for a national dialogue process that must be not only inclusive but also meaningful, and must see all its key outcomes implemented. The Action Group foresaw that the constitutional order and legal system could be reviewed, subject to popular approval, and that once the new constitutional order was established, free and fair multiparty elections would need to

be conducted. The Action Group underscored that women must be fully represented in all aspects of the transition.

46. The members of the Action Group have pledged to one another and to the Joint Special Envoy to apply joint and sustained pressure on the parties in the Syrian Arab Republic to implement the terms of the communiqué, and stated their opposition to any further militarization of the conflict. The Joint Special Envoy will keep the United Nations and the League of Arab States fully informed. Further Action Group meetings may be convened to review concrete progress made and to determine what further steps and actions are needed from the Group to address the crisis.

47. The Joint Special Envoy and his team will continue to engage the parties and other relevant actors, with the immediate goals of bringing about an end to the violence and laying the groundwork for a Syrian-led and Syrian-owned negotiation regarding the shape of a transitional governing body and a broader transition, as outlined by the Action Group.

48. Deputy Joint Special Envoy Nasser al-Kidwa travelled to Cairo for a meeting of the opposition under the auspices of the League of Arab States on 2 July, where efforts were under way at the time of reporting to make progress in organizational and political terms.

IV. Mission deployment and operations

49. Immediately following the 12 April adoption of resolution 2042 (2012), a Department of Peacekeeping Operations-Department of Field Support advance team initiated discussions with the Government and opposition groups in the Syrian Arab Republic on a possible peacekeeping presence. On 21 April 2012, the Security Council authorized the establishment of UNSMIS under resolution 2043 (2012). Major General Robert Mood (Norway), Chief Military Observer and Head of Mission, took command of UNSMIS on 29 April 2012.

50. With a record rapid deployment, UNSMIS was fully operational on 30 May. As at 30 June, UNSMIS had 278 military observers at its Damascus headquarters and eight team sites, in Aleppo, Damascus, Deir-ez-Zor, Hama, Homs, Idlib, Deraa and Tartus, and 121 civilian staff addressing political and civil affairs and human rights matters, administration and support at Mission headquarters, with mixed military-civilian teams at five of the sites. Induction training inclusive of human rights issues and on counter-improvised explosive device skills, trauma first aid and social and cultural awareness, along with Mission-specific communication, observation and reporting skills, was provided to all incoming personnel.

51. The establishment of UNSMIS was facilitated by substantial cooperation on the part of the Government of the Syrian Arab Republic, including in the provision of security in and around Mission locations. The Mission has encountered subsequent difficulties in relation to the importing of necessary communications equipment, the issuance of visas and the conclusion of the status of mission agreement between the United Nations and the Government, as required under resolution 2043 (2012). The agreement remains under negotiation.

52. UNSMIS operations have been focused in and around population centres, in relation to both military monitoring and civilian interactions. To consolidate the cessation of violence, saturated patrolling was conducted in those areas, together

with visits to conflict-prone and incident-specific areas for fact-finding and tension-defusing purposes. A system of transparent violation reporting was put in place, with initial positive reactions and subsequent rectification by the sides, though neither responded to written Mission requests for follow-up and verification.

53. As civilian staff were deployed, mixed teams expanded their interactions and sought every opportunity to engage with the local population in Government and opposition areas, building a network of community contacts as well as national officials. Liaison and engagement at the local level were important instruments towards the building of stability where signs of cooperation encouraged it. The pilot engagement project in Homs sought to mediate technical issues between the sides for the restoration of critical services and as a step in confidence-building for conflict reduction.

54. The United Nations Mine Action Service deployed counter-improvised explosive device specialists to UNSMIS, who provided induction and team-site-level training to the military observers. The specialists also carried out blast assessments of improvised explosive devices and investigation of damage caused to UNSMIS vehicles by small arms and machine gun fire, and accompanied UNSMIS observers on post-incident fact-gathering patrols to determine the nature, direction and variety of weapons used during alleged attacks on population centres.

55. UNSMIS monitoring and reporting activities were hampered by several factors. Access to incident locations or conflict was, on multiple occasions, delayed as a result of security concerns or Government warnings or by opposition actors and groups of civilians. In addition, civilians in opposition-held areas claimed to have been subjected to retaliation by Government forces following UNSMIS visits, were critical of the lack of protection from the Mission and became hostile towards observers on several occasions. As civilian living conditions deteriorated, popular expectations grew that the presence of United Nations military observers would result in a cessation of violence and provide protection to civilians in its absence. UNSMIS was active in taking advantage of public information opportunities to emphasize its continued commitment to the Syrian people, explain its limited role and contain expectations.

56. Risks posed to the observers rose in tandem with the hostilities. During the week of 11 June alone, UNSMIS observers were targeted either by close fire or by hostile crowds at least 10 times. The number of indirect fire incidents in the vicinity of observers or team sites mounted during the reporting period, and there were several incidents in which weapons fire had a direct impact on team sites. Incidents involving damage to UNSMIS vehicles also increased, with nine vehicles damaged or struck by small-arms fire during the week mentioned. The increase in violence also undermined the Mission's ability to engage with local communities amid repercussions from civilian expectations of an UNSMIS protection role. Parallel expectations on the part of Government supporters were that the Mission should expose the assaults carried out against their own. The frequency and gravity of encounters with hostile crowds increased, as illustrated by the 12 June incident outside Al-Haffah, in which UNSMIS vehicles were blocked and damaged by a crowd and then fired upon by unknown persons, during attempts by observers to reach the town.

57. As described in paragraphs 8 and 16 above, UNSMIS observers have remained in their locations and had limited engagement since 15 June, aside from case-by-

case humanitarian-related monitoring visits carried out to medical and educational facilities since 26 June. On the basis of further review, the Mission decided to consolidate its team sites into four regional locations, in Aleppo, Deir-ez-Zor, Homs and Rif Damascus, maintaining a geographical presence across the country and strengthening joint military-civilian fact-finding endeavours, as of the first week of July. In tandem, the number of military observers will be temporarily reduced.

V. Options for the future of the United Nations Supervision Mission in the Syrian Arab Republic

58. I have described the rapid deployment of the Mission and the gains seen in the immediate aftermath. The subsequent upsurge in incitement and armed violence by the parties has now reached, and in some places exceeded, the levels seen prior to the initial cessation of violence. Should the Government and armed opposition groups decide to continue to pursue a military response to the current conflict, the effectiveness of UNSMIS would need to be reviewed. At the time of reporting, there was little evidence indicating an imminent change in these positions, pending the anticipated impact of the 30 June decisions of the Action Group convened by the Joint Special Envoy.

59. The Council's decision to deploy a peacekeeping monitoring mission in the Syrian Arab Republic was taken on the basis of certain assumptions, foremost among them that the parties involved in the conflict would uphold their commitments to a cessation of violence in all its forms. The continuation of violence has altered the premise on which UNSMIS was established, such that unless these commitments are urgently reaffirmed and acted upon, a recalibration of effort in response to the situation on the ground would be appropriate. A range of options have been explored, as outlined below, including the potential advantages and disadvantages of each in strengthening the Mission's engagement in conditions other than those originally anticipated for the exercise of its mandated functions in support of the six-point plan.

60. The options presented address the withdrawal of UNSMIS; the expansion of military observation capacity or the addition of an armed protection element; maintenance of the current size and posture; and a shift to civilian functions and redeployment to Damascus, with or without additional field presences. These proposals are neither exhaustive nor fully reflective of evolving conditions on the ground, nor do they account for operational and political developments subsequent to the submission of the present report.

61. Should the political and security conditions render mandated Mission functions and fruitful interaction with all parties untenable, the withdrawal of UNSMIS may need to be considered. Withdrawal would eliminate risks to military observers and civilian staff. It would also point to the parties' responsibility to end hostilities and underline the fact that the pursuit of military strategies is not a viable solution. Such a decision, however, would signal a loss of confidence in an early return to a sustainable cessation of violence and remove the sole source of independent monitoring of the implementation of the six-point plan on the ground. It would likely precipitate a further blow to efforts to stabilize the situation on the ground and render more difficult the prospect of a negotiated Syrian-led transition as laid out by the Action Group, jeopardizing the unity built around this way

forward. Furthermore, without the Mission in place the Syrian people would have no local mechanism through which to engage in dialogue towards a durable settlement.

62. Alternatively, the potential of bolstering UNSMIS could be considered. Expanding the number of military observers would increase the scope and scale of observation capacity. A commensurate augmentation of civilian staff to support the larger presence and the mixed military-civilian functions would also be necessary, increasing the size of the Mission footprint throughout the country.

63. This measure should be considered relative to the Mission's ability to carry out observation tasks, fact-finding on incidents and reporting on compliance with the six-point plan, which depends on a permissive environment that does not currently exist. This implies a return to a cessation of violence and significant improvement in the current factors limiting mandate implementation. Expansion also treats the strategic and political challenges facing the Mission with a quantitative rather than a qualitative remedy. The risk of exposure would increase in tandem with expansion, as well as unrealistic expectations of the Mission's protective and intervention capabilities across constituencies. In the current context, these expectations are already pronounced and, going unmet, have led to aggression and direct attacks against the Mission. The expansion of UNSMIS thus would risk an unacceptably high security exposure without commensurate benefit.

64. A second option for bolstering the Mission would entail the deployment of a necessarily sizeable armed force-protection element as a security guarantor for the work of the unarmed observers and civilian staff. This would enable the Mission to maintain team sites in the field and close contact with local communities, in addition to augmenting national security provision. An armed protection component would also require host country consent and troop contributors willing to perform that role. Neither of those preconditions appears to be likely. Moreover, a deployment of armed peacekeepers would immediately raise expectations of civilian protection within the context of ongoing and intensive violence.

65. Maintaining the Mission at its current size and in its current configuration presents another option. This would permit the continuation of efforts on all aspects of the six-point plan, and the strengthening of relationships and patterns of local-level engagement already established. It would also convey the determination to restore a cessation of violence. Current assessments, however, suggest that the prospects for the latter remain uncertain. UNSMIS would remain configured for tasks that it cannot implement. In this case, the risk exposure would not diminish, nor would expectations for the delivery of a peaceful resolution. Opportunities to strengthen UNSMIS support for the non-military aspects of the six-point plan would remain limited, cementing the status quo in place.

66. The individual merits of each of the proposals mentioned above appear to be outweighed by the potential negative implications and disincentives foreseen if armed confrontation continues at the current level. In this light, a shift in Mission structure and focus could be envisioned.

67. Drawing on the Mission's experience to date and in the context of large-scale violence on the ground, options that strengthen support for dialogue with and between the parties and enhance the attention accorded to the political track and rights issues across the components of the six-point plan could be considered. In conjunction, UNSMIS could retain a military observer capability for the conduct of

effective verification and fact-finding tasks, albeit with a limited scope for action if current conditions persist. Within the authorized strength of 300, the observer capacity could be adjusted substantially should conditions permit — or not — the extension of the Mission's reach.

68. This UNSMIS presence would focus on activities within the mandate that can be achieved under the current circumstances and that would be useful in building support for the Joint Special Envoy's efforts. Capacities for "good offices" would be strengthened in order to seize opportunities to foster dialogue, to broker local-level agreements to calm tensions and promote ceasefires between the sides, and to deepen engagement where possible, as steps towards confidence-building and stability where signals from the sides encourage such measures.

69. If UNSMIS were reoriented in this manner, the Mission would redeploy from the field to the capital to minimize risks, retaining core civilian and military observer capacities to focus on the spectrum of initiatives feeding into the political process. From a central hub in Damascus, the civilian component would continue liaison and dialogue with opposition and Government representatives in the provinces as security conditions allow. This model would maintain a United Nations presence in situ dedicated to the promotion of the six-point plan with all parties. It would expand direct engagement with the Syrian authorities and opposition groups and report on progress towards the plan's objectives. This presence would cover the range of issues, involve the scope of interlocutors and be positioned to scale up quickly in order to capture or expand on gains in the process.

70. Under this option, adequate civilian capacities would be devoted to maintaining the network of liaison relationships at the national and local levels, seeking forward steps on the six-point plan through the intensive facilitation of political dialogue, the inclusion of local actors in the broader forums, and the building of confidence in the process. Continued efforts to address detention and rights issues would complement and benefit from the Mission's primary political engagement functions. A reduced military observer component would support these civilian-led activities with military liaison and, as it does now, conduct visits to incident sites in order to conduct fact-finding and verification tasks. This structure could be expanded to include selected field offices, local conditions and security permitting, which would function within the same operational framework, allowing for broader geographic coverage and reach to pivotal areas outside the capital.

71. Retaining the core structural elements of the Mission would allow UNSMIS to build up and expand its activities as improvements occur, and strengthen those capacities that prove beneficial to the six-point plan and the political track. A consolidated presence, reoriented to maximize the Mission's capacities to facilitate political dialogue and diminish exposure to mandate implementation impediments, appears to be preferable in the current conditions and reflects an equally responsive structural and operational flexibility as conditions change. This model strengthens the conciliation approach and the building of support for the six-point plan, but is not without drawbacks. At a minimum, it implies that the establishment of a sustained cessation of violence is not an immediate prospect, and limits observation and reporting capacity with regard to violations of a reputed cessation of violence accordingly. Popular opinion may misinterpret intensified advocacy at the central level as placing priority on Government prerogatives while reducing access to opposition groups outside the capital. Nonetheless, the risks associated with this

approach may be more acceptable in comparison with the benefits of enhanced engagement and the uncertainty of alternatives.

VI. Observations

72. The conflict in the Syrian Arab Republic is characterized by a deep political crisis driven by frustrated popular aspirations for political reform, the brutal and disproportionate crackdown by the Government on the opposition and persistent disregard for the human rights of the Syrian people. Those issues, which have been at the heart of the crisis since its outset, must be addressed if any viable solution is to be found.

73. I am deeply troubled by the dangerous trajectory of the conflict and the destructive dynamics at play on the ground. The peaceful popular uprising that started 16 months ago has transformed into a violent confrontation between the Government and armed opposition groups. The use of heavy weapons, including indiscriminate shelling by tanks and from helicopters, in civilian population areas, has intensified. Attacks by the opposition against Government forces, officials and critical infrastructure have also multiplied. The Syrian Arab Republic is now engulfed by violence and at risk of becoming a theatre for full-blown civil war, with grave implications for the people of Syria and for people in the region.

74. I am alarmed at the escalating numbers of people killed and injured, while many civilians remain trapped in areas of ongoing conflict, with decreasing access to vital livelihoods and medical services. I condemn armed violence in all its forms and call for it to stop immediately, in accordance with the six-point plan and resolutions 2042 (2012) and 2043 (2012). I also remind all parties that indiscriminate, disproportionate and targeted attacks on civilians and civilian infrastructure are violations of international humanitarian law that must cease.

75. The human rights situation has continued to deteriorate, with extensive human rights violations, including unlawful killings, wide-scale arbitrary arrests and detentions, torture and other forms of ill treatment, sexual violence and abuse of children. I condemn these violations in the strongest possible terms. They must be fully and independently investigated, and the accountability of the perpetrators must be ensured.

76. The six-point plan initially provided a mechanism to assist parties in de-escalating the conflict. Regrettably, it has not been implemented in any meaningful way. The failure of all parties to seize this opportunity has deepened divisions in the country and seen violence intensify. As of now, the Government of the Syrian Arab Republic and the armed opposition both appear to have chosen to pursue a military response to the current conflict, narrowing the space for comprehensive dialogue between the parties on what the future of their country should look like and how it can be achieved.

77. The Action Group meeting on 30 June marked a new stage in the effort to build international unity and to ensure joint and sustained pressure on the parties to implement the six-point plan and, most important, agree on principles and guidelines for a Syrian-led transition. The parties, on the one hand, and the international community, on the other, must realize that its promise must be quickly

and visibly realized through a genuine readiness to recommit to the six-point plan, restore a cessation of violence and embark on a negotiated transition.

78. The Joint Special Envoy intends to visit the region shortly, including important countries that were not represented at the Action Group meeting, and the Syrian Arab Republic. Initial statements from both the Government and the opposition regarding the Action Group outcome showed that considerable efforts will be required if the parties are to move forward in earnest. I expect the parties to cooperate fully with the Joint Special Envoy. I urge them to embrace the path that the Action Group has charted and to take ownership of the effort to negotiate and agree on a transition to a better future for the Syrian Arab Republic. I would appeal strongly to members of the Action Group and other influential States to bring their individual and combined weight to bear. I take note that the permanent members of the Security Council, which were present at the Action Group meeting, pledged to continue to support the effort, and, in this regard, I stress the Council's responsibilities to ensure that its resolutions are implemented. Should the Council's resolutions continue to be flouted by the parties, I would call on Council members to exercise their common responsibilities by taking necessary collective action.

79. UNSMIS can play a valuable role in supporting political dialogue and local confidence-building, establishing facts on the ground and reporting clearly and objectively to the international community. Should the violence persist or openings for internal political dialogue develop, I have put forward options for the reorientation of UNSMIS in that context. These are based on an assessment of the situation in the Syrian Arab Republic when the present report was prepared, pending anticipated political and operational developments attending domestic Syrian processes pursuant to the 30 June Action Group communiqué.

80. A presence that shifts the primary focus to engagement recognizes that without a platform for and confidence in a political process, there is little more that UNSMIS can do to urge the parties towards a cessation of violence. In the context of possible collective action by the Council, both sides may commit to fulfilling their obligations under the Joint Special Envoy's six-point plan, beginning with an immediate and unconditional halt to armed hostilities. I would therefore encourage the Council to keep this prospect alive by maintaining a Mission presence capable of adapting to the opportunities that may arise should the parties accept a political solution. Focused on political engagement with all interlocutors, this Mission could sustain monitoring of and support for the implementation of the six-point plan, including the cessation of armed violence when feasible, and respond flexibly to positive changes on the ground as they occur.

81. It is essential that the parties step back from the ever-deepening confrontation in which they are engaged, recommit to the six-point plan, implement their commitments and work in good faith with the Joint Special Envoy on the path outlined by the Action Group. With the lack of trust that currently exists between the parties, such an approach can be effective only if supported by a cohesive and committed international community that actively supports and facilitates a meaningful political process. The Action Group embodies an important effort in this regard. It is now the responsibility of the Security Council to provide the necessary support and to ensure sustained, united and effective pressure on all concerned to obtain compliance with its decisions and create conditions for the success of a political solution as envisaged by the Action Group.

82. The conflict in the Syrian Arab Republic is among Syrians, and they must ultimately solve it. The people of the Syrian Arab Republic need to identify and lead the way towards the implementation of a vision for a new and balanced political dispensation that addresses their legitimate aspirations as well as the serious consequences of the conflict.

83. Continued oppression will not diminish the legitimate demands of many Syrians for reform and political change. However unclear the outcome is at this point, the people of the Syrian Arab Republic have placed their country on a path of irreversible change, and we have a responsibility to assist them in implementing change in a peaceful way.

84. In this regard, I reiterate that encouragement to any party in the Syrian Arab Republic to pursue its objectives through the use of violence and military means is inconsistent with the letter and spirit of resolutions 2042 (2012) and 2043 (2012), and the six-point plan. Those who may contemplate supporting any side with weapons, military training or other military assistance must reconsider such options and act to halt armed violence in all its forms by all sides and prevent further repression of the population.

85. The role of the Action Group for Syria in supporting the path towards a Syrian-led transition to a democratic and pluralistic Syrian Arab Republic is critical. I call on members of the Security Council and all States with influence to live up to their responsibilities and spare no effort in working together towards the peaceful and comprehensive settlement of the crisis in accordance with the six-point plan, resolutions 2042 (2012) and 2043 (2012), and the Action Group communiqué of 30 June 2012, the text of which is annexed to the present report.

86. In conclusion, I wish to express my appreciation to all countries contributing troops and equipment to UNSMIS. I also commend the efforts of the Joint Special Envoy and the Head of Mission of UNSMIS, and I am deeply grateful to the brave military and civilian personnel of UNSMIS and to the staff of the Office of the Joint Special Envoy, for their dedication and hard work under very challenging conditions.

Annex

Final communiqué of the Action Group for Syria

30 June 2012

1. On 30 June 2012, the Secretaries-General of the United Nations and the League of Arab States, the Ministers for Foreign Affairs of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Turkey, Iraq (Chair of the Summit of the League of Arab States), Kuwait (Chair of the Council of Foreign Ministers of the League of Arab States) and Qatar (Chair of the Arab Follow-up Committee on Syria of the League of Arab States) and the High Representative of the European Union for Foreign Affairs and Security Policy met at the United Nations Office at Geneva as the Action Group for Syria, chaired by the Joint Special Envoy of the United Nations and the League of Arab States to Syria.

2. The members of the Action Group came together out of grave alarm at the situation in the Syrian Arab Republic. They strongly condemn the continued and escalating killing, destruction and human rights abuses. They are deeply concerned at the failure to protect civilians, the intensification of the violence, the potential for even deeper conflict in the country and the regional dimensions of the problem. The unacceptable nature and magnitude of the crisis demands a common position and joint international action.

3. The members of the Action Group are committed to the sovereignty, independence, national unity and territorial integrity of the Syrian Arab Republic. They are determined to work urgently and intensively to bring about an end to the violence and human rights abuses, and to facilitate the launch of a Syrian-led political process leading to a transition that meets the legitimate aspirations of the Syrian people and enables them independently and democratically to determine their own future.

4. In order to secure these common objectives, the members of the Action Group (a) identified steps and measures by the parties to secure the full implementation of the six-point plan and Security Council resolutions 2042 (2012) and 2043 (2012), including an immediate cessation of violence in all its forms; (b) agreed on principles and guidelines for a political transition that meets the legitimate aspirations of the Syrian people; and (c) agreed on actions that they would take to implement the objectives in support of the Joint Special Envoy's efforts to facilitate a Syrian-led political process. They are convinced that this can encourage and support progress on the ground and will help to facilitate and support a Syrian-led transition.

Identified steps and measures by the parties to secure the full implementation of the six-point plan and Security Council resolutions 2042 (2012) and 2043 (2012), including an immediate cessation of violence in all its forms

5. The parties must fully implement the six-point plan and Security Council resolutions 2042 (2012) and 2043 (2012). To that end:

(a) All parties must recommit to a sustained cessation of armed violence in all its forms and to the implementation of the six-point plan immediately and without waiting for the actions of others. The Government and armed opposition

groups must cooperate with the United Nations Supervision Mission in the Syrian Arab Republic (UNSMIS), with a view to furthering the implementation of the plan in accordance with the Mission's mandate;

(b) A cessation of armed violence must be sustained, with immediate, credible and visible actions by the Government of the Syrian Arab Republic to implement the other items of the six-point plan, including:

(i) Intensification of the pace and scale of release of arbitrarily detained persons, including especially vulnerable categories of persons, and persons involved in peaceful political activities; the provision, without delay and through appropriate channels, of a list of all places in which such persons are being detained; the immediate organization of access to such locations; and the provision, through appropriate channels, of prompt responses to all written requests for information, access or release regarding such persons;

(ii) Ensuring freedom of movement throughout the country for journalists and a non-discriminatory visa policy for them;

(iii) Respecting freedom of association and the right to demonstrate peacefully, as legally guaranteed;

(c) In all circumstances, all parties must show full respect for the safety and security of UNSMIS and fully cooperate with and facilitate the Mission in all respects;

(d) In all circumstances, the Government must allow immediate and full humanitarian access by humanitarian organizations to all areas affected by the fighting. The Government and all parties must enable the evacuation of the wounded, and all civilians who wish to leave must be enabled to do so. All parties must fully adhere to their obligations under international law, including in relation to the protection of civilians.

Agreed principles and guidelines for a Syrian-led transition

6. The members of the Action Group agreed on the principles and guidelines for a Syrian-led transition set out below.

7. Any political settlement must deliver to the people of the Syrian Arab Republic a transition that:

(a) Offers a perspective for the future that can be shared by all in the Syrian Arab Republic;

(b) Establishes clear steps according to a firm timetable towards the realization of that perspective;

(c) Can be implemented in a climate of safety for all and of stability and calm;

(d) Is reached rapidly without further bloodshed and violence and is credible.

8. **Perspective for the future**. The aspirations of the people of the Syrian Arab Republic have been clearly expressed by the wide range of Syrians consulted. There is an overwhelming wish for a State that:

(a) Is genuinely democratic and pluralistic, giving space to established and newly emerging political actors to compete fairly and equally in elections. This also means that the commitment to multiparty democracy must be a lasting one, going beyond an initial round of elections;

(b) Complies with international standards on human rights, the independence of the judiciary, accountability of those in Government and the rule of law. It is not enough just to enunciate such a commitment. There must be mechanisms available to the people to ensure that these commitments are kept by those in authority;

(c) Offers equal opportunities and chances for all. There is no room for sectarianism or discrimination on ethnic, religious, linguistic or any other grounds. Numerically smaller communities must be assured that their rights will be respected.

9. **Clear steps in the transition**. The conflict in the Syrian Arab Republic will end only when all sides are assured that there is a peaceful way towards a common future for all in the country. It is therefore essential that any settlement provide for clear and irreversible steps in the transition according to a fixed time frame. The key steps in any transition include:

(a) The establishment of a transitional governing body that can establish a neutral environment in which the transition can take place, with the transitional governing body exercising full executive powers. It could include members of the present Government and the opposition and other groups and shall be formed on the basis of mutual consent;

(b) It is for the Syrian people to determine the future of the country. All groups and segments of society in the Syrian Arab Republic must be enabled to participate in a national dialogue process. That process must be not only inclusive but also meaningful. In other words, its key outcomes must be implemented;

(c) On that basis, there can be a review of the constitutional order and the legal system. The result of constitutional drafting would be subject to popular approval;

(d) Upon establishment of the new constitutional order, it will be necessary to prepare for and conduct free and fair multiparty elections for the new institutions and offices that have been established;

(e) Women must be fully represented in all aspects of the transition.

10. **Safety, stability and calm**. Any transition involves change. However, it is essential to ensure that the transition can be implemented in a way that ensures the safety of all in an atmosphere of stability and calm. This requires:

(a) Consolidation of full calm and stability. All parties must cooperate with the transitional governing body to ensure the permanent cessation of violence. This includes completion of withdrawals and addressing the issue of the disarmament, demobilization and reintegration of armed groups;

(b) Effective steps to ensure that vulnerable groups are protected and that immediate action is taken to address humanitarian issues in areas of need. It is also necessary to ensure that the release of the detained is completed rapidly;

(c) Continuity of governmental institutions and qualified staff. Public services must be preserved or restored. This includes the military forces and security

services. However, all governmental institutions, including the intelligence services, have to perform according to human rights and professional standards and operate under a leadership that inspires public confidence, under the control of the transitional governing body;

(d) Commitment to accountability and national reconciliation. Accountability for acts committed during the present conflict must be addressed. There also needs to be a comprehensive package for transitional justice, including compensation or rehabilitation for victims of the present conflict, steps towards national reconciliation and forgiveness.

11. **Rapid steps to come to a credible political agreement**. It is for the people of the Syrian Arab Republic to come to a political agreement, but time is running out. It is clear that:

(a) The sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic must be respected;

(b) The conflict must be resolved through peaceful dialogue and negotiation alone. Conditions conducive to a political settlement must now be put in place;

(c) There must be an end to the bloodshed. All parties must recommit themselves credibly to the six-point plan. This must include a cessation of armed violence in all its forms and immediate, credible and visible actions to implement points 2 to 6 of the six-point plan;

(d) All parties must now engage genuinely with the Joint Special Envoy. The parties must be prepared to put forward effective interlocutors to work expeditiously towards a Syrian-led settlement that meets the legitimate aspirations of the people. The process must be fully inclusive in order to ensure that the views of all segments of Syrian society are heard in shaping the political settlement for the transition;

(e) The organized international community, including the members of the Action Group, stands ready to offer significant support for the implementation of an agreement reached by the parties. This may include an international assistance presence under a United Nations mandate if requested. Significant funds will be available to support reconstruction and rehabilitation.

Agreed actions

12. Agreed actions that the members of the Group will take to implement the above in support of the Joint Special Envoy's efforts to facilitate a Syrian-led political process are as follows:

(a) Action Group members will engage as appropriate, and apply joint and sustained pressure on, the parties in the Syrian Arab Republic to take the steps and measures outlined in paragraph 5 above;

(b) Action Group members are opposed to any further militarization of the conflict;

(c) Action Group members emphasize to the Government of the Syrian Arab Republic the importance of the appointment of an effective empowered interlocutor, when requested by the Joint Special Envoy to do so, to work on the basis of the six-point plan and the present communiqué;

(d) Action Group members urge the opposition to increase cohesion and to be in a position to ensure effective representative interlocutors to work on the basis of the six-point plan and the present communiqué;

(e) Action Group members will give full support to the Joint Special Envoy and his team as they immediately engage the Government and the opposition, and will consult widely with Syrian society, as well as other international actors, to further develop the way forward;

(f) Action Group members would welcome the further convening by the Joint Special Envoy of a meeting of the Action Group, should he deem it necessary to review the concrete progress taken on all points agreed in the present communiqué and to determine what further and additional steps and actions are needed from the Action Group to address the crisis. The Joint Special Envoy will also keep the United Nations and the League of Arab States informed.

United Nations S/2012/524

Security Council

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Letter dated 6 July 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith a letter addressed to the Secretary-General from Mr. Salah Eldeen Wansi Mohammed Khair, Acting Minister for Foreign Affairs (see annex), regarding the correspondence of the Under-Secretary-General of Peacekeeping Operations dated 26 June 2012 addressed to Mr. Thabo Mbeki, Chairperson of the African Union High-level Implementation Panel, in which the Under-Secretary-General of Peacekeeping Operations has requested the clarification therein to be communicated to the Governments of the Sudan and South Sudan.

The Government of the Sudan received the above-mentioned letter with surprise and great disappointment, since it is expected that the different organs of the United Nations will act in a way that will enhance and promote the circumstances for the reduction of tension between the two countries and to avoid being seen inclined to take a position on matters of ongoing negotiations, as contained in the aforementioned letter of the Under-Secretary-General of Peacekeeping Operations.

Furthermore, since the Department of Peacekeeping Operations is not a legal body and no request was made to it in this regard, the Government of the Sudan considers the letter of the Under-Secretary-General a flagrant instance of an uncalled-for judgment and an impeachment of neutrality that all United Nations organs have to strictly and scrupulously observe.

While conveying the aforementioned information, I would appreciate if the present letter and its annex would be circulated as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

12-40809 (E) 110712

Please recycle

Annex to the letter dated 6 July 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

[Original: English]

Republic of the Sudan
Ministry of Foreign Affairs
State Minister

1. We refer to the correspondence of the Under-Secretary-General for Peacekeeping Operations dated 26 June 2012, addressed to H.E. Thabo Mbeki, Chairperson of the African Union High-level Implementation Panel (AUHIP), on which he has requested the clarification therein to be communicated to the Governments of the Sudan and South Sudan.

We would like to make reference to the following crucial remarks on the contents of the above-mentioned correspondence, which we received with surprise.

2. The Government of the Sudan strongly believes that the maps used by the United Nations Mission in the Sudan, the African Union-United Nations Hybrid Operation in Darfur, and the United Nations Mission in South Sudan are considered as one map, identical to the administrative map between Northern and Southern provinces on 1 January 1956, the day of independence of the Sudan, and identical to the map that determines the border between Northern and Southern states as specified in the Comprehensive Peace Agreement concluded on 9 January 2005 and which has been attested to by all peace partners, including the United Nations. In the event of any territorial dispute, the universally agreed legal norms and the tenets of natural law dictate that the status quo shall be maintained, until it is legally proven otherwise, whence the amendment becomes mandatory. Hence the map that stands at the instance of the independence of the Sudan is the same map drawn at the instance of the conclusion of the Comprehensive Peace Agreement in 2005, which is the very map that has been upheld and endorsed by the United Nations for the execution and discharge of its activities mandated to its Missions in accordance with the recognized principles of *uti possidetis*. This means that the map cannot be changed or altered, even temporarily for purposes such as determination of the safe demilitarized border zone (SDBZ).

3. As you are aware, the African Peace and Security Council Roadmap of 24 April 2012, endorsed by United Nations Security Council resolution 2046 of 2 May 2012, has primarily aimed at reduction of the tension, to be followed by the restoration of normalcy in the relations between the two neighbouring and sisterly countries. It is, therefore, natural to expect the different organs of the United Nations to act in a way that would enhance and promote this common objective, not otherwise.

4. If there exists a slightest shadow of doubt that this common objective would be compromised, the concerned United Nations organ is expected to exercise utmost caution and restraint and to do everything possible to avoid being seen inclined to take positions on matters of ongoing negotiations. This position has to be scrupulously observed, especially when, in the present case, there is no explicit

request to the Department of Peacekeeping Operations to advise from the concerned body entrusted with bringing negotiated settlement to effect, i.e., the African Union High-level Implementation Panel.

In the absence of such a request, which is in fact not needed at all, we view the above-mentioned correspondence as a flagrant instance of a non-called for judgement and an impeachment of neutrality that all United Nations organs have to strictly and scrupulously observe.

5. While we do agree with the fact that "broad administrative boundaries were taken into account without prejudice to any territorial 'claims' or disputes by any party", we would like to bring to your kind attention that such an assertion has been included in Security Council resolution 2046 (2012), to which we subscribe. To deny seeking both compelling and corroborative evidence to determine the safe demilitarized zone is an unfortunate, hasty and unwarranted act.

6. The position of the Government of the Sudan to make reference to the United Nations maps is legitimate. They can surely help in the efforts under way to determine the SDBZ, without prejudice to the final determination of the borders of the two states.

7. As a matter of fact the admissibility and weighing of any evidence is the sole and exclusive jurisdiction of competent and relevant legal organs.

We therefore, respectfully, reject the contents of the correspondence and view it as a negative intervention that might influence the ongoing negotiations.

(*Signed*) Salah Eldeen Wansi Mohammed **Khair**
Acting Minister for Foreign Affairs

Khartoum: 4 July 2012

Cc: Honourable Thabo Mbeki
Chairperson, African Union High-level Implementation Panel for Sudan (AUHIP)